

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CISNE NY CONSTRUCTION, INC.; CISNE JE CONSTRUCTION, INC.; CISNE CONTRACTING, INC.; JOSE PANCHА; and EDISON RUILOVA,

Defendant.

MEMORANDUM ENDORSED

No. 22 Civ. 338 (GHW)

**ORDER OF DISMISSAL
WITHOUT PREJUDICE**

WHEREAS, on or about January 13, 2022, the United States of America (the “United States”) filed a complaint (the “Complaint”) in this Court against defendants CISNE NY Construction, Inc.; CISNE JE Construction, Inc.; CISNE Contracting, Inc. (together, the “Corporate Defendants”); as well as individual defendants Edison Ruilova and Jose Paccha (with the Corporate Defendants, “Defendants”) in the above-captioned action;

WHEREAS, the Complaint seeks judgments against Defendants for their violations of the Toxic Substances Control Act pursuant to Sections 17 and 409 of that statute, 15 U.S.C. §§ 2616 and 2689;

WHEREAS, pursuant to consent decrees between the United States and the individual defendants, the claims against the individual defendants were resolved on April 18, 2023, Dkt. No. 54 ¶ 58; Dkt. No. 55 ¶ 62;

WHEREAS, the consent decree between the United States and Edison Ruilova (“Ruilova Consent Decree”), entered as an order of Court on April 18, 2023, provides that the United States shall voluntarily dismiss the Corporate Defendants, without prejudice and subject to

reinstatement on the terms described in the Ruilova Consent Decree, Ruilova Consent Decree, Dkt. No. 55 ¶ 63;

NOW, THEREFORE, it is HEREBY ADJUDGED, ORDERED, and DECREED as follows:

1. Pursuant to Federal Rule of Civil Procedure 41(a)(2), the United States' action against the Corporate Defendants is dismissed, without prejudice and without costs or attorneys' fees to any party;
2. As provided by paragraph 63 of the Ruilova Consent Decree, the United States may reinstate this action against the Corporate Defendants if Edison Ruilova fails to comply with Sections VI, VII, or VIII of the Consent Decree or if the Corporate Defendants violate the Repair, Renovation, and Painting Rule prior to the termination of the Consent Decree.

In conjunction with Plaintiff's previous dismissals of individual Defendants Jose Pancha and Edison Ruilova, Plaintiff has now voluntarily dismissed all Defendants in this case.

The Clerk of Court is directed to close all pending motions and terminate this case.

SO ORDERED.

Dated: July 20, 2023
New York, New York



GREGORY H. WOODS
United States District Judge